

REMARKS

The above amendments to the above-captioned application along with the following remarks are being submitted preliminary to examination in concurrently filed Request for Continued Examination (RCE) and as a full and complete response to the Final Office Action dated August 29, 2005 (U.S. Patent Office Paper No. 08152005). In view of the above amendments and the following remarks, the Examiner is respectfully requested to give due reconsideration to this application, to indicate the allowability of the claims, and to pass this case to issue.

With the filing of the above identified application on April 22, 2004, a Claim for Priority under 35 U.S.C. §§ 119 and 120 was requested. Acknowledgment of the Claim for Priority under 35 U.S.C. §§ 119 and 120 is respectfully requested.

Also, the Examiner is respectfully advised that concurrently with this preliminary amendment and response, and Information Disclosure Statement is being submitted for consideration. Acknowledgment and consideration of this Information Disclosure Statement are respectfully requested.

Status of the Claims

As outlined above, Claims 1 through 6, 8 through 19, 21, 22, 28 through 31 and 52 through 88 are presently pending in this application. Claims 1, 6, 19, 29 and withdrawn Claims 52 through 54 and 62 are being amended to correct formal errors, place the claims in better form and to more particularly point out and distinctly claim the subject invention. Also, Claims 7, 20, 23 through 27 and 32 through 51 have been previously cancelled without prejudice or disclaimer. Entry of the amendments to Claims 1, 6, 19, 29 and to withdrawn Claims 52 through 54 and 62 are respectfully requested.

Claims 3, 4, and 13 through 17, and Claims 52 through 88 have been previously withdrawn, the withdrawn claims being directed to non-elected species, pending reconsideration and allowance of Claim 1 which, as amended, is generic to these previously withdrawn Claims. It is respectfully noted that even though Claims 52 through 88 are directed to non-elected species, the Final Office Action has apparently considered these withdrawn Claims 52 through 88 in the final rejections set forth in the Final Office Action.

The claims that have been cancelled, and that are not readable on the elected species of

Figures 3A and 3B, are cancelled without prejudice or disclaimer. Applicant hereby reserves the right to file divisional applications on any or all of these cancelled claims, as well as to additional claims directed to the non-elected species.

Additional Amendments

The specification has been being amended, as previously set forth herein, to correct formal errors and to better disclose and describe the features of the present invention as claimed. Entry of these amendments to the specification is respectfully requested.

Prior Art Rejections

Claims 1, 2, 5, 6, 8 through 12, 18, 19, 21, 22, 28 through 31, and 52 through 88 were rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 3,972,333 to Laveen, hereinafter referred to as the Laveen '333 patent. This rejection is respectfully traversed.

Claims 1, 2, 5, 6, 8 through 12, 18, 19, 21, 22, 28 through 31, and 52 through 88 were rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 5,047,049 to Salai, hereinafter referred to as the Salai '049 patent. This rejection is respectfully traversed.

The above rejections of Claims 1, 2, 5, 6, 8 through 12, 18, 19, 21, 22, 28 through 31, and 52 through 88 under 35 U.S.C. § 102(b) will be considered collectively.

It is respectfully submitted that the Laveen '333 Patent and the Salai '049 Patent do not disclose:

a forceps type apparatus for use with a hand, including: a pair of opposing blades, with the pair of opposing blades each having a top side and a bottom side and each including a proximal section, a middle section and a distal section, wherein the proximal end of the proximal section of one opposing blade connecting to the proximal end of the proximal section of the other opposing blade forming a first support location for engaging a portion of the radial side of the palmar surface of the hand for supporting the forceps type apparatus in the hand, without placing substantial pressure on a surface of the hand located over the carpal tunnel; and the middle section of each opposing blade connecting the proximal section and the distal section of a corresponding opposing blade, with the middle section of at least one opposing blade including an extension support member having a distal surface forming a second support location for engaging at least one of the middle finger or the ring finger of the hand for supporting the forceps type apparatus in the hand, and with the extension support

member projecting downwardly relative to the bottom side of the corresponding opposing blade, as respectively recited in amended independent Claim 1.

In contrast, the Laveen '333 Patent discloses a guide arm 17 provided with a series of ratchet teeth 19, and a pin 20 that extends transversely through tool holding arm 12 across opening 18 in a position such that the pin 20 engages the ratchet teeth 19, such that the engagement of the teeth 19 with the pin 20 restrains parting movement of the arms 11 and 12. (Col. 2, lines 25-41).

It is respectfully submitted that, in the Laveen '333 Patent, the disclosed function of the guide arm 17 provided with a series of ratchet teeth 19 which engage with the pin 20 is for restraining movement of the arms 11 and 12, rather than a supporting function. Therefore, the Laveen '333 Patent does not disclose a middle section of at least one opposing blade including an extension support member having a distal surface forming a second support location for engaging at least one of the middle finger or the ring finger of the hand for supporting the forceps type apparatus in the hand, and with the extension support member projecting downwardly relative to the bottom side of the corresponding opposing blade, as respectively recited in the forceps type apparatus of Claim 1. Therefore, it is further respectfully submitted that the forceps type apparatus of Claim 1 is not anticipated by the Laveen '333 Patent.

Additionally, in contrast, the Salai '049 Patent in Figures 3 and 4 disclose reference surfaces 50 and 52 for allowing the user to orient the needle holder 30. Further, the portion of the needle holder 30 in Figure 3 referred to by the Examiner as an "extension" (U.S. Patent Office Paper No. 08152005, page 3), other than apparently being illustrated in Figure 3 as a part of handle 40 or 42, is not specifically identified or described in the Salai '049 Patent, including an apparent absence of disclosure as to its function. (Col. 2, lines 41-63). Further, in contrast, the portion of the needle holder 30 in Figure 3 referred to by the Examiner as an "extension" is not disclosed as projecting downwardly relative to the bottom side of the needle holder 30.

Therefore, it is respectfully submitted that the portion of the needle holder 30 identified in Figure 3 of the Salai '049 Patent by the Examiner as an "extension", without being otherwise specifically identified or described in the Salai '049 Patent, including an apparent lack of description as to its function, does not disclose a middle section of at least one opposing blade including an extension support member having a distal surface forming a second support location for engaging at least one of the middle finger or the ring finger of the

hand for supporting the forceps type apparatus in the hand, and with the extension support member projecting downwardly relative to the bottom side of the corresponding opposing blade, as respectively recited in the forceps type apparatus of Claim 1. Therefore, it is further respectfully submitted that the forceps type apparatus of Claim 1 is not anticipated by the Salai '049 Patent.

Moreover, it is respectfully submitted that in addition to Claim 1 not being anticipated by the Laveen '333 Patent or the Salai '049 Patent, dependent Claims 2, 5, 6, 8 through 12, 18, 19, 21, 22, 28 through 31, and 52 through 88 are likewise not anticipated by the Laveen '333 Patent or the Salai '049 Patent, and are at least allowable for the same reasons that Claim 1 is allowable.

In view of the foregoing, withdrawal of the above identified rejections of Claims 1, 2, 5, 6, 8 through 12, 18, 19, 21, 22, 28 through 31, and 52 through 88 under 35 U.S.C. § 102(b) is respectfully requested.

Reconsideration and allowance of Claims 1, 2, 5, 6, 8 through 12, 18, 19, 21, 22 and 28 through 31, (consideration and allowance of Claims 52 through 88, if considered as indicated), and consideration and allowance of withdrawn claims 3, 4, 13 through 17 and withdrawn Claims 52 through 88, are respectfully requested.

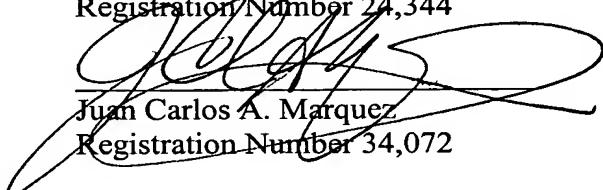
Conclusion

In view of all the above, Applicant respectfully submits that certain clear and distinct differences as discussed exist between the present invention as now claimed and the prior art references upon which the rejections in the Office Action rely. These differences are more than sufficient that the present invention as now claimed would not have been anticipated nor rendered obvious given the prior art. Rather, the present invention as a whole is distinguishable, and thereby allowable over the prior art.

Favorable reconsideration of this application as amended is respectfully solicited. Should there be any outstanding issues requiring discussion that would further the prosecution and allowance of the above-captioned application, the Examiner is invited to contact the Applicant's undersigned representative at the address and phone number indicated below.

Respectfully submitted,

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